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SUBJECT: CANADIANS SEE PEMBINA DIKE CONCERNS AS "ONE OF A
SUITE OF ISSUES"

REF: STATE 74088

¶1. Summary. Canada sees the Pembina dike/road and the other water issues in the North Dakota/Manitoba border region as carrying risks for both sides and which would be best treated as a "suite of issues." They are interested in greater bilateral involvement at the Federal Government level, but also wish to mitigate risk and negative perceptions in Manitoba by, ideally, moving ahead with both mitigation on the Pembina dike/road and the building of the Devils Lake filtration system. End summary.

¶2. EMIN and Senior EST FSN discussed reftel with DFAIT DG for North America Kim Butler and his water/environmental expert Stephen Gluck. We stressed the points in reftel and left copies of the aerial photos after describing the viewpoints. As expected, Butler (Canada's former Consul General in Minneapolis) was well aware of the issue, the geography of the region and the impact of this road/dike on North Dakota. Butler stated that for Canada at the Federal level, the Pembina "road" was one of a number of important water-related issues in the North Dakota/Manitoba relationship which in his mind formed a "suite of issues" that needed to be looked at holistically. These issues have important ramifications for both sides and "probably need some more objective federal level supervision on both sides."

¶3. Butler took EMIN's point that although there was a certain thematic construct, the USG would prefer to look for solutions to these issues, each on its own merits. Nevertheless, Butler replied that he saw all of these issues (but most immediately Pembina, Devils Lake filtration and salinity issues) as posing significant risks for Canada and the U.S. They should thus be dealt with by Federal levels, whose foremost concern is minimizing risk more broadly, rather than remaining caught up in a longstanding local dynamic.

¶4. In that light, he stressed DFAIT's view that it was "time to build the filtration system for Devils Lake whether or not the science is completed." Butler's rationale: Ottawa is limited to jawboning Manitoba on issues like Pembina given their federal structure; the U.S. has the same jurisdictional issues; there is so much bad blood between North Dakota and Manitoba that no scientific study may ever succeed in convincing Manitoba that the filtration system is not necessary. Butler continued that he would have a fair amount of confidence that if we were to build the filtration system that Ottawa could successfully convince Manitoba to make fully adequate culverts in the Pembina road/dike. (He left open the possibility that Canada could find some funding to help cover the costs, joking that at least one could say that the filtration project is "shovel ready" in terms of stimulus funding.) "Let's not call this linkage, exactly," he said, "rather just a confluence of needs that helps both sides do the right thing in real time."

¶5. Butler also said that the IJC's Red River Board has now started hydrological studies to look at the overall effects

of roads on both sides of this border. (Comment: he was clearly implying that Manitoba has concerns about certain road/dikes constructed on the U.S. side. End comment.)

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